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12 Attorneys for Plaintiff

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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17  
18 UNITED STATES OF AMERICA, ) No. CR 05-00395 CRB  
19 Plaintiff, ) REQUEST, STIPULATION AND ORDER  
20 v. )  
21 KEUN SUNG LEE, )  
22 Defendant. )  
23

24 This matter is currently on the Court's calendar for June 7, 2006. Through counsel,  
25 defendant Keun Sung Lee and the United States ask the Court to (a) vacate the June 7, 2006 date  
26 based on the defendant's anticipated plea agreement, (b) set a date of July 5, 2006 for change-of-  
27 plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from June 7, 2006, to  
28 July 5, 2006.

1. The parties are currently working out the language of a plea agreement and request that the  
2 Court set the matter for July 5, 2006, for change-of-plea.

2. The parties agree that the time between June 7, 2006 and July 5, 2006 should be excluded  
3 from the Speedy Trial clock. Previously, the Court has declared this case complex. See 18

4 ORDER  
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1 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel will be out of the country and thus  
 2 unavailable until June 16, 2006. Defense counsel is continuing to review discovery, including  
 3 recently provided materials, and negotiate the plea language. These matters need a short amount  
 4 of time to be resolved, and thus the parties agree that a continuance is necessary for the effective  
 5 preparation of defense counsel, taking into account the exercise of due diligence, and based on  
 6 continuity of counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of  
 7 justice served by excluding the period from June 7, 2006 to July 5, 2006 outweigh the interest of  
 8 the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

9 STIPULATED:

10 June 2, 2006 /S/ PETER B. AXELROD  
 11 DATE PETER B. AXELROD  
 12 LAUREL BEELER  
 Assistant United States Attorneys

13 June 2, 2006 /S/ ALAN BAUM  
 14 DATE ALAN BAUM  
 Attorney for Keun Sung Lee

16  
 17 **ORDER**

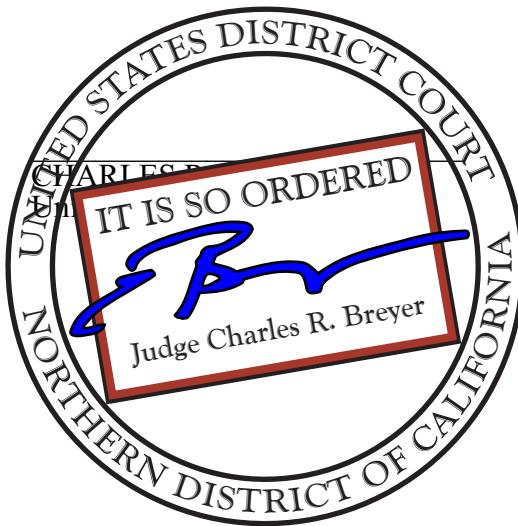
18 For good cause shown, and for the reasons stated above, the Court (a) vacates the June 7,  
 19 2006, hearing date for defendant Keun Sung Lee based on the anticipated plea agreement, (b) sets  
 20 the matter for change-of-plea on June 28, 2006, at 2:15 p.m., and (c) excludes times under the  
 21 Speedy Trial Act, 18 U.S.C. § 3161, from June 7, 2006, to July 5, 2006. The Court finds that the  
 22 failure to grant the requested exclusion would deny defense counsel reasonable time necessary  
 23 for effective preparation taking into account the exercise of due diligence and continuity of  
 24 counsel. Further, the Court finds the exclusion warranted on complexity grounds, under 18  
 25 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the  
 26 requested exclusion outweigh the best interest of the public and the defendant in a speedy trial  
 27 and in the prompt disposition of criminal cases. The Court therefore concludes that this

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1 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and  
2 (h)(8)(B)(iv).

3 IT IS SO ORDERED.

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5 DATED: June 5, 2006



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ORDER  
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